

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SONTAY T. SMOTHERMAN,

Petitioner,

v.

**Civ. No. 2:14-cv-972
Crim. No. 2:12-cr-055(3)
Judge Frost
Magistrate Judge King**

UNITED STATES OF AMERICA,

Respondent.

ORDER

On April 24, 2015, the Magistrate Judge denied Petitioner's *Motion for Discovery*, ECF No. 281, and recommended that Petitioner's *Motion for Summary Judgment*, ECF No. 276, and *Motion for Relief from Judgment*, ECF No. 280, be denied and that the *Motion to Vacate* pursuant to 28 U.S.C. § 2255, ECF No. 270, be dismissed. *Order and Report and Recommendation*, ECF No. 287. Petitioner has objected to the recommendation. *Objection*, ECF No. 289.

In recommending that the *Motion to Vacate* be dismissed, the Magistrate Judge reasoned that all of Petitioner's claims had been presented to, and rejected by, the United States Court of Appeals for the Sixth Circuit on direct appeal. *Order and Report and Recommendation*, pp. 4-8. See *United States v. Smotherman*, 564 Fed.Appx. 209 (6th Cir. 2014); see also *Smotherman v. United States*, 134 S.Ct. 2863 (2014). Petitioner's objections do not address this reasoning. Instead, Petitioner complains that the Magistrate's Judge's recommendation was untimely and he insists that his claims are meritorious.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons detailed by the Magistrate Judge, Petitioner's *Objection*, ECF 289, is **OVERRULED**.

The *Order and Report and Recommendation*, ECF 287, is **ADOPTED** and **AFFIRMED**. Petitioner's *Motion for Summary Judgment*, ECF No. 276, and *Motion for Relief from Judgment*, ECF No. 280, are **DENIED** and the *Motion to Vacate*, ECF No. 270, is **DISMISSED**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

/s/ GREGORY L. FROST
GREGORY L. FROST
United States District Judge